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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,695	04/30/2001	Daiki Tsukahara	032480.01	3433
25944	7590	06/16/2006	EXAMINER	
OLIFF & BERRIDGE, PLC			HO, TUAN V	
P.O. BOX 19928			ART UNIT	
ALEXANDRIA, VA 22320			PAPER NUMBER	

2622

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/843,695	<b>Applicant(s)</b> TSUKAHARA ET AL.	
	<b>Examiner</b> Tuan V. Ho	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 and 25-28 is/are allowed.
- 6) ☒ Claim(s) 18 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 19 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The allowance of claims 18 and 20-23 has been withdrawn due newly found prior art. The examiner regrets any inconvenience to Applicants.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara cited by Applicants  
(Translation of JP 07-226870) in view of Hashimoto et al.

With regard to claim 18, Shinohara discloses in Figs. 1-7 an electronic camera that comprises the imaging unit main body (camera body 1, paragraph 4, page 12) including a first face and a first side face which intersects said first face (upper face and first side of camera body); a display unit main body including a second face (monitor display 30 includes a second face, Fig. 7), a second side face which is perpendicular to said second face (a second side of monitor unit 30), and an external display apparatus on said second face (monitor screen 31 is

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located on a second face); said first side face rotatably coupled to said second side face so that said display unit main body and said imaging unit main body are rotatable relative to each other about an axis of rotation (camera body and monitor unit is rotatably connected through axis 11, Fig. 6); and a lens unit in the imaging unit main body (optical lens 2) and having an optical axis parallel to the first side face (lens 2 has optical axis parallel to first face), and lined up in order from said first side face toward an opposing side face that faces in an opposite direction than said first side face (lens 2 is located on a first face and toward an opposite face), except for the optical viewfinder unit.

Shinohara does not explicitly disclose any optical viewfinder unit. However, Hashimoto et al teaches in Figs. 1A and 1B using optical viewfinder unit 134 that includes an optical axis parallel to optical lens 7, col. 4, lines 8-21; where viewfinder 134 located near lens 7 would allow a user to view a shooting object with a reduction of parallax and under a bright light environment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate optical viewfinder 134 of Hashimoto et al in the camera body 1 of Shinohara in order to obtain a camera body

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which includes an optical lens and optical viewfinder including optical axes parallel to each other.

With regard to claim 20, Shinohara discloses the same subject matter as discussed with respect to claim 18, except for the display window for displaying the status of the electronic camera, said display window arranged on said first face over said lens unit.

Shinohara does not explicitly disclose any display window for display the status. However Hashimoto et al teaches in Fig. 1A using LCD window display 22 for display the status of camera 100, col. 3, lines 64-65.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the LCD window 22 of Hashimoto et al in camera body 1 of Shinohara so as to obtain a win display that can display a status of camera 1 because the incorporation of the display on camera body 1 of Shinohara would allow a user to observe camera control data without using monitor display when the monitor display is rotated in different directions with the camera.

With regard to claims 21, 22 and 23, Furthermore, Hashimoto et al discloses control buttons such as shutter button 124, zoom button 122, display window 22 that are located on the same upper side of camera body 100, col. 4, lines 14-16.

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3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 19 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

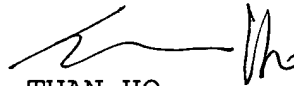
5. Claims 10-17 and 25-28 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.



TUAN HO

Primary Examiner

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